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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

CHRIS E. COSNER

Plaintiff

FILED

JAN 14 2009

DAVID CREWS, CLERK

By Joanne Benton
Deputy

v.

CASE NO.

1:09CV5-B-S

LEE County Sheriff's Department (ET, AL)

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

CHRIS Eugene COSNER

B. Name under which sentenced:

SAME AS ABOVE

C. Inmate identification number:

Pre Trial detainee

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

510 N. COMMERCE ST.
Tupelo MS 38804

E. Place of confinement:

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Jim H. Johnson

Title (Superintendent, Sheriff, etc.):

Sheriff, Lee County MS

Defendant's mailing address (street or post office box number, city, state, ZIP):

510 N. Commerce St
Tupelo MS 38804

Name: Joyce A. Lofton
 Title (Superintendent, Sheriff, etc.): Lee County Circuit Court Clerk
 Defendant's mailing address (street or post office box number, city, state, ZIP): P.O. Box 1328
Tupelo MS 38801

Name: DENNIS FARRIS
 Title (Superintendent, Sheriff, etc.): LEE County District Attorney Office
 Defendant's mailing address (street or post office box number, city, state, ZIP): PO BOX 1328
Tupelo MS 38801

Name: Robert J. Smith
 Title (Superintendent, Sheriff, etc.): Executive Director
 Defendant's mailing address (street or post office box number, city, state, ZIP): Region Three Medical Center
2434 EASON BLVD, Tupelo MS 38801

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☒ Yes ☐ No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): CHRIS CASNER
 Defendant(s): Lee County Sheriffs Department

B. Court: Lee County Circuit Court C. Docket No.: N/A

D. Judge's Name: N/A E. Date suit filed: N/A 11/03/08

F. Date decided: N/A G. Result (affirmed, reversed, etc.): NO Notice ever filed

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented? ☐ Yes ☒ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed? ☐ Yes ☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

ON October 2, 2008 I Complained about being
attack Later that Evening at Supper Time to Correctional
officer Joel Royce And about being kept lock down in my cell
afterward to Sgt. Bridges. About Conditions of Confinement
I wrote a Complaint Form out and gave it to Sgt. Bridges at
2130 hours on NOV 3rd 2008. Submitted Complaint Form to Officer
Jason Edwards about Lockdown Inmates being let out with
Protective Custody Inmates Creating a Chance for another Attack.
at 2120 hours NOV 28, 2008, Also written District Attorney's office
informing him of attack ON NOV 3rd 2008, Also Judge Thomas Gardner

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

I received NO official response back from either
the officers I Complained to, nor the Staff of Lee
County Adult Jail. I never Received a response
back from the Lee County Circuit Court District
Attorney office Either to this date. I Also
Never have gotten a response from Judge Thomas
Gardner, Lee County Circuit Court. ON Dec 11, 2008
I Received a response from Sgt M. Bridges that I'm was put
IN Protective Custody, wearing a Violent Crime uniform color, Chained up
everywer I go, and my privileges taken away because of my Charge of
failure to Register as A Sex offender. and thats the only reason
he gave me.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

N/A

9. Write below, as briefly as possible, the **facts** of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

ON October 2, 2008 in FPod Lee County Adult Jail, I was sitting at a table in the Common area with a few other Protective Custody inmates when we were violently and viciously attacked by eight members of the gang "Gangster Disciples" who were not supposed to be out at the same time as protective custody inmates, they were a separate custody level on "Lock Down Status". They were allowed out willfully by CO. Joel Royce knowing the danger of such an attack taking place creating the conditions for the assault and then rewarding such conduct by giving them extra food trays at supper. (SEE FPod tower tape for 10/02/08 Recklessly endangering my life and still continued to allow the same situation to reoccur every today.)

I'm charged with failure to register for a crime I committed 20 years ago, and did 15 1/2 years at Leavenworth and FCI Victorville. I served every day I owed society I WAS NOT ON Parole or Probation when I was arrested

but I'm wearing a violate crime uniform, Chained up everywhere
I go Put in protective custody without a hearing or my permission
NO Church calls, NO daily yard calls or TV, Locked down 21 hours
a day I'm being Punished again for a sex offense I've already did the
Time for.

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

- a) I would like monetary relief for the attack on my
person in the amount of \$350,000.00 Three hundred
and fifty thousand dollars.
- b) For the way I was chained up everywhere and lock
down for 21 hours a day for over 147 days I would
like \$50,000.00 fifty thousand dollars.
- c) For losing my daily recreation calls, and not
being able to go to church or to be able to watch
television, use the phone when I want and to be
in a general population unit. I would like
5 days for everyone I did on pretrial confinement.
- d) For not being able to have a Bond and for
the motions I wrote not getting filed, and
for my lawyer not representing me effectively
I request 3 days for everyone I did without
a Bond.
- e) Lack of medical attention relief in amount of \$10,000 dollars

This Complaint was executed at (location):

Lee County Adult Jail

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

Dec 16, 2008

Chris E Cosme

Plaintiff's Signature

Chris Cosner Vs Lee County Sheriffs Department (ET, AL)

Continuation of Question 9.

I was arrested June 9, 2008 on three drug charges and granted a Bond. On July 19, 2008 I was arrested again for Failure to Register as a sex offender and received an additional bond. On July 23, 2008 my First Bond of \$20,000 dollars was Surrendered, Plus my Second bond of \$5,000 dollars gave me two bonds at \$25,000 dollars, too High for me I'm Tinkering so I Stayed in Jail trying to get a bond Reduction hearing Oct 15, 2008 my bond was Reduced to \$23,000 dollars by a Justice Court Judge. I was indicted on Oct 30, 2008 and my Bond was taken from me and I was appointed a Lawyer Will Bristow, He told me he would get me in front of a Circuit Court Judge for a Bond Hearing in the month of November. My Plea bargain Day being Jan 28th 2009 and my Court date being tentative for February 2009 I really wanted out on Bond, when on November 3rd I wrote my Lawyer Will Bristow and told him I wanted a Bond hearing as soon as he could get it Arranged but knowing how busy he was I went ahead and wrote a motion for a Bond hearing myself and mailed it to Joyce A. Lofton Circuit Court Clerk, Lee County, I also sent with that Bond motion, a Motion For Relief on the attack that took place on me October 2, 2008 along with a motion of discovery for the FPd Tower Tape of that Day. I let my Lawyer know I wanted those additional motions also in that letter. I wrote another letter

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Continuation of Question 9

ON November 3, 2008 to the Circuit Court District Attorneys Office letting them know of the ASSAULT ON protective custody inmates by gang members that should have been locked up, Along with a motion in my case CR08-728, CR08-777 For Relief Along with a motion of discovery for that Tower Tape hoping to get the D.A.'s interest to investigate the attack so someone may get that tower tape before it got reused again. I received NO Reply from the Circuit Court Clerk that she received my motions and filed them, nor a Response or visit by my attorney about my Bond Hearing or motions, or a response from the D.A. Office about the attack. On November 17th 2008, I wrote Judge Thomas Gardner (Circuit Court, Lee County) about the letter to the DA office, Circuit Court Clerk not filing my motions and my lawyers lack of interest in getting me a Bond hearing, could he please help me. Yet NO Bond hearing. SO ON December 1, 2008 I rewrote Judge Thomas Gardner about getting a Bond hearing and the Circuit Court Clerk again with a new Bond motion. I have yet to this day Dec 12, 2008 received any reply from any of the Individuals mentioned in this Complaint. I've also requested through the Lee County Sheriff's department medical treatment for my cuts and bruises of the assault on my person that took

Chris Cosner Vs Lee County Sheriffs department (et al)

Continuation of Question 9.

Place on October 2, 2008 orally to Correction Officer Joel Royce when the Officers arrived in FPod to break up the assault, he had Cpl. Price escort me out of FPod to go to the nurses office but Cpl. Price never did we stopped outside the entrance to the Control Tower and Cpl. Price went inside the tower and brought out some paper towels to place on my cuts, then took me back to FPod and locked me down. When CO. Royce was handing out Supper trays that Evening I ask him to see the nurse and he told me not to talk to him, I told him I was speaking to him, you are a Cop aren't you. He took off and never got me to a nurse. I tried a written request that Evening at medication call and received no Doctors Visit at all. Also in August and Sept 2008 I requested to see a psychiatrist from Regions three medical center because I was having recurring nightmares and hearing and seeing flashbacks from Beirut Lebanon along with anxiety attacks. In September 2008 I seen a man who from what I could gather from him was a physicians Assistant who ask me some questions and then told me I would see a psychiatrist around October 26th. When October 28th 2008 several other inmates seen the psychiatrist from Regions three but I never did, so I submitted another medical request asking why I didn't see the

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Continuation of Question 9.

Psychiatrist, they sent the same man again the P.A. And again he said I would see a psychiatrist soon but yet I still haven't seen a doctor from Region Three.

I would like the below listed case citation and Mississippi State Titles and Statutes be read into my Complaint along with the Proper Amendments

- 1) The Assault on me October 2, 2008 = 8th + 14th Amendment.
 ERRA V. Chickasaw County Miss. (N.D. 1997) 965 F. Supp 870
 Gates V. Collier (CA5) Miss. 1974 501 F.2d 1291
 Davis V. City of Greenville Miss. 974 F. Supp 884 (N.D. Miss 1997)
 Bilbo V. Thigpen (Miss. 1994) 647 So.2d 678
- 2) Bond Hearing: 14th Amendment.
 LEE V. LAWSON (Miss 1979) 375 So.2d 7019
- 3) BEING treated like Violent offender, Prison Conditions =
1st, 6th, 8th, 14th Amendments
 District Attorneys Office failure to Investigate §47-1-2
 Complaint of Convict investigated to any County Office
 ERRA V. Chickasaw County Miss. (N.D. 1997) 965 F. Supp 87.
- 4) Joyce Lofton, Circuit Court Clerk not filing motions =
14th Amendment
 IN RE Merrrell (Miss. 1995) 658 So.2d 50.

I thank you for taking some of your valuable time in reading my Complaints, AND Filing them.

Respectfully Submitted
Chris Casdier
Plaintiff

Lee County/Tupelo Adult Jail

INMATE COMPLAINT FORM

Inmates name: Chris Casner

Date: Nov 3, 2008

Location: POD: A, B, C, D, E, F G, other _____

DETAILS OF COMPLAINT: Inmates in Protective Custody are not being allowed to attend Church on Sundays like the rest of the inmates in the other pods, Also we are not let out in the yard on a regular basis like the other pods, nor are we allowed a television set to watch like the other inmates in the other pods. It is like inmates on Protective Custody status has lost their Privileges like inmates on Lock down status for Punishment Why is that? Why are we not allowed out all day like the other pods.

Turned over to: Sgt. Bridges
(Name of Corrections Officer)

Date: Nov 9, 2008

Inmates signature: Chris Casner

Date: Nov 9, 2008

Received by Shift Sergeant: Sgt Bridges 9-9:30pm Date action taken: _____

Disposition: medication call in FPD
Check medicine cards of below listed inmates for time.
William Turner - Melvin Hall - Keady Forrester
Chris Walton

Signature of Shift Sergeant: _____

Date: _____

Lee County/Tupelo Adult Jail

INMATE COMPLAINT FORM

Inmates name: CHRIS COSNER

Date: Nov 28, 2008

Location: POD: A, B, C, D, E, ☒ F, G, other _____

DETAILS OF COMPLAINT: For the past week the Correction
OFFICERS in Charge of Fpod have been allowing the inmates
on Lock down status that sneak out when the Protective
Custody inmates come out, are put up when Supper
is served to stay out even when they see the Lockdown
inmates are out with PC's they simply ignore them not
wanting the drama of putting them up, wherefore creating
a environment for PC to be attacked again like on Oct 2, 2008

Turned over to: Jason Edwards
(Name of Corrections Officer)

Date: NOV 28, 2008

Inmates signature: Chris Cosner

Date: NOV 28, 2008

Received by Shift Sergeant: _____

Date action taken: _____

Disposition: Turned IN at 21:20 Medication call Fpod.

Signature of Shift Sergeant: _____

Date: _____

Lee County/Tupelo Adult Jail

INMATE COMPLAINT FORM

Inmates name: CHRIS COSNER

Date: Dec 11, 2008

Location: POD: A, B, C, D, E, ☒ G, other _____

DETAILS OF COMPLAINT: I WAS ARRESTED FOR FAILURE TO REGISTER AND
THREE DRUG CHARGES. THE FAILURE TO REGISTER CHARGE WAS A MILITARY
COURT MARTIAL THAT HAPPENED 20 YEARS AGO (GROSS) I DID 15 1/2
YEARS AT LEONARDTOWN AND GOT OUT ON BOND. I DID EVERY DAY OF
MY SENTENCE AND WAS RELEASED JAN 2001. I'M NOT CIVIL/PROBATION
OR PROBATIONER. SO WHY DO I HAVE GREEN/WHITE NOT ALLOWED TO
GO ANYWHERE. PROBATION PROTECTIVE CUSTODY WITHOUT A HEARING OR ANY
PERMISSION FOR A ADMINISTRATIVE STALKED CHARGE?

Turned over to: Bobby Taylor C-11
(Name of Corrections Officer)

Date: 12-11-08

Inmates signature: Chris E. Cosner

Date: Dec 11, 2008

Received by Shift Sergeant: M. Bridges

Date action taken: 12/11/08

Disposition: _____

Your charges read as followed
* Failure to register as a sex offender
* Poss of Controlled Substance (Bond surrender)
* Poss of Scheduled I Marij. (Bond surrender)
* Poss of Scheduled II with intent (Bond surrender)

Signature of Shift Sergeant: Sgt. B. A.

Date: 12/11/08